

Exhibit 40:

G.O. Declaration

DECLARATION OF G.O.

1. I am a current registrant of the Michigan Sex Offender Registry. I was convicted of CSC-1 in 1987 when I was 38 years old, a crime for which I served 14 years in prison. At the time I was convicted, the registry did not exist. I was released in 2001, and successfully completed parole in 2004.

2. I am now 74 years old and have already been on the registry for several decades. I am a tier III registrant and am required to register for the rest of my life.

3. I was born with birth defects in both of my knees; I was told if I was still walking by my 30s it would be a miracle. Despite this disability, I went on to enlist in the army in 1969 when I was 20 years old and served for seven years. I spent time stationed in both Korea and Vietnam (deployed three times) while I was enlisted.

4. My time in basic training and the military was bad for my knees and legs, further impairing my ability to be mobile. As I have aged, arthritis has also set in. This on top of the disability in my legs has made it very hard to drive and walk around. When I do drive, the car has to be set to cruise control because applying pressure to the pedals causes the bones in my legs to scrape together very painfully. When I go to a store, I use a mobility scooter to get around.

5. As a tier III registrant, I am required to report every three months. This requires me to drive almost 50-miles one-way to get to my reporting station. Since 2020, my county police department has stopped serving as a registration office even

though I had been registering there since leaving prison. They told me I would need to find the nearest state police post, which was 50-miles away. I now have to drive all the way to the State Police in Jackson County, an almost 100-mile trip, every three months to register. If I make any changes that trigger the 3-day notification requirement, that trip becomes even more frequent.

6. Due to my age and disability, making this drive to Jackson is becoming an impossible task for me. I live with my wife of 54 years, but she is unable to drive me; in fact, I have been driving her to most places and back (in part because she is deaf), another issue we are running into now. I have attempted to find someone who can drive me, but no one wants to drive that far, even if I offer to pay for gas.

7. When I go to Jackson to register, I notice there are many other registrants there who have also driven from further away, some from the same county as me. When we have complained about the long distance, we are just told that the only other option is the State Police post in a county that is even further away.

8. I am constantly concerned that I will no longer be able to get myself to the police post to register, and that as a result I will be sent to prison for failing to register. If I cannot find someone to help get me to a registration office soon, I will no longer be able to register. I am scared that, due to my age and disability, I will have no way to go to register, and that as a result I'll be prosecuted and sent to prison.

I, G.O., declare under penalty of perjury that the above statement is true and correct pursuant to 28 U.S.C. § 1746.

G.O.
(name on file with Plaintiffs' counsel)

March 15, 2023